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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,097	08/31/2000	Mark Richard Shaw	13DV13495 2850	
29399	7590 03/22/2005		EXAMINER	
JOHN S. BEULICK			STEVENS, THOMAS H	
C/O ARMS	TRONG TEASDALE LLI	P		
ONE METROPOLITAN SQUARE			ART UNIT	PAPER NUMBER
SUITE 2600			2123	
ST. LOUIS, MO 63102-2740			DATE MAILED: 03/22/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Advisory Action	09/652,097	SHAW ET AL.				
Before the Filing of an Appeal Brief	Examiner	Art Unit				
	Thomas H. Stevens	2123				
The MAILING DATE of this communication appe	ars on the cover sheet with the c	orrespondence add	ress			
	THE REPLY FILED 16 March 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.					
 The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expiresmonths from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. 						
Examiner Note: If box 1 is checked, check either box (a) or TWO MONTHS OF THE FINAL REJECTION. See MPEP 7	(b). ONLY CHECK BOX (b) WHEN THE 06.07(f).	FIRST REPLY WAS F	ILED WITHIN			
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL						
2. The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS						
3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for						
appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims.						
NOTE: (See 37 CFR 1.116 and 41.33(a)).						
4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. Applicant's reply has overcome the following rejection(s):						
6. Newly proposed or amended claim(s) would be all non-allowable claim(s).		timely filed amendme	ent canceling the			
7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows:						
Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: <u>1-4,6-7,9-12</u> . Claim(s) withdrawn from consideration:						
AFFIDAVIT OR OTHER EVIDENCE						
 The affidavit or other evidence filed after a final action, bu because applicant failed to provide a showing of good an was not earlier presented. See 37 CFR 1.116(e). 						
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to of showing a good and sufficient reasons why it is necessar	overcome <u>all</u> rejections under apper y and was not earlier presented. S	al and/or appellant fai ee 37 CFR 41.33(d)(ils to provide a 1).			
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER						
11. The request for reconsideration has been considered bu See Continuation Sheet.	at does NOT place the application in	n condition for allowar	nce because:			
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s) 13. ☐ Other:						

Continuation of 11. does NOT place the application in condition for allowance because: The arguments stated by applicants were not persuasive based on examiner's rebuttal in the final office action. For example, the specification fails demonstrate how these calculations (i.e., frequency of bellows) are calculated using empirical data whereas Broman et al., (pg.31) does. Furthermore, the specification does not teach, but merely states, computation of the stiffness and regression techniques without numerical exmaples or equations compared to Broman et al. and Rosemount Inc.

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